

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

NO. 4:13CR00068-03-JLH

KENNETH EUGENE BROWN, SR.

DEFENDANT

ORDER

Pending is defendant's Motion for Two Point Reduction based on Sentencing Guideline Amendment 782.

Amendment 782 retroactively reduces most drug quantity base offense levels by two. However, only those defendants serving a sentence determined or affected by a range calculated using the drug quantity table, U.S.S.G. § 2D1.1, are potentially eligible for a reduction. Since defendant's base offense level was determined by his career offender status under § 4B1.1, not the drug quantity table, he is not eligible for a reduction.¹

Accordingly, defendant's Motion for Two Point Reduction is DENIED. Document #358.

IT IS SO ORDERED this 4th day of December, 2014.


UNITED STATES DISTRICT JUDGE

¹ Defendant had a base offense level of 34 with a -3 for acceptance; a criminal history category of VI; and a guideline range of 188-235 months. He was sentenced to 120 months in prison.